

## **Sanctuary Advisory Council**

### *Thirty-ninth Meeting*

Thursday, March 17, 2005

8:30 a.m. to 1:00 p.m.

Kihei Community Center

Kihei, Maui, Hawaii

## **FINAL MINUTES**

### **Attendance**

#### *Primary Council Members Present:*

Cindy Barger, Jim Coon, Tamra Faris, Dave Hoffman, Lou Herman, Becky Hommon, Kimokeo Kapahulehua, Marc Lammers, Teri Leicher, Naomi McIntosh, Jerry Norris, Terry O'Halloran, Dick Poirier, Jeanne Russell, Mike Stanton, Jeff Walters, Terry White, Bob Wilson.

#### *Alternate Council Members Present:*

Rich Brunner, Andy Collins (for `Aulani Wilhelm), Mary Donohue (for Bill Friedl), Tom Friel (for John Reghi), Dale Hazlehurst (for Terry White), Hank Janpol, Terry Rice, Cheryl Sterling (for Richard McCarty), Dean Watase (for Glenn Soma), Reg White, Ann Wright.

#### *Excused:*

Athline Clark, Liz Corbin, Nancy Daschbach, Bill Friedl, June Harrigan-Lum, Eric Kingma, Richard McCarty, Sara Peck, John Reghi, Glenn Soma, Don Thornburg, `Aulani Wilhelm, Michelle Yuen.

#### *Others Present:*

HIHWNMS: Keeley Belva, Chris Brammer, Amy Hellrung, David Mattila, Patty Miller, David Nichols, Jean Souza, Allen Tom, Paul Wong, Justin Viezbicke.

PUBLIC: Alison Cohan, Greg Kaufman, Jack Naiditch, Rob Parsons, Roger Sussman, Connie White, Robert Wintner,

### **Distributed Materials**

- Meeting Agenda
- Final Meeting Minutes (01/20/05)
- Meeting Action Items
- Sanctuary Manager's Report
- State Co-Manager's Report
- Conservation Committee Report
- Education Committee Report

- Research Committee Report
- Draft Resolution for Hawaii Superferry
- Draft letter to Secretary Gutierrez (Dept. of Commerce)
- HIHWNMS Project Highlights Report
- Final Resolution for Supporting an Increased Budget
- Final Resolution for Bill Lennan

### **Call to Order**

*The purpose of this meeting is to: enhance understanding of activities occurring in the Maui County area of the Sanctuary.*

A special reciting of the *Kumulipo*, a Hawaiian creation chant for the members of the Council was offered. The *Kumulipo* is a sacred creation chant of a family of Hawaiian *alii*, or ruling chiefs. Composed and transmitted entirely in the oral tradition, its two thousand lines is a genealogical prayer chant linking the royal family to which it belonged not only to primary gods belonging to the whole people and worshiped in common with allied Polynesian groups, not only to deified chiefs born into the living world, the *Ao*, within the family line but to the stars in the heavens and the plants and animals useful to life on earth.

Following the presentation of the *Kumulipo* the Sanctuary Advisory Council (Council) Chair, Jim Coon, called the meeting to order at 9:00 a.m. Teri Leicher volunteered to act as Secretary and took roll.

### **Approval of Meeting Minutes**

A motion was made to accept the minutes from the January 20, 2005 Council meeting. The motion carried unanimously.

### **Public Forum**

Council Chair, Jim Coon, asked for comments from the public and the following were offered:

- A member of the public—Orchid farmer. He is concerned that the Hawaii Superferry (HSF) project is an example of bad planning and thought that the company forced the Public Utilities Commission to make an irrational decision.
- Lance Holter—Sierra Club. He informed the Council that the March issue of National Geographic focuses on problems with alien species. He said that HSF is using \$40 million in state funds, thus should be triggering an Environmental Impact Statement (EIS).
- Alison Cohan—Concerned citizen. She informed the Council that a form related to anonymous reporting that was being voted on later in the meeting was originally developed by Pacific Whale Foundation (PWF). She encouraged the Council to take in to consideration the previous work that had been done by others to address the vessel whale interaction issues and improve communications and cooperation.

- Greg Kaufman—Pacific Whale Foundation. He expressed his opinion that HSF should be required to complete an EIS, because it provides mass transit and because it is not like other vessels currently operating in Hawaiian waters. He told the Council that at a conference in Italy, other high-speed ferry operators were concerned because they were hitting whales and had very little time to react. He asked the Council members to support the draft resolution that was being proposed regarding Hawaii Superferry.
- Roger Sussman —Haiku resident. He obtained a copy of the draft resolution for HSF and the alternate resolution proposed by Terry White. He felt that it is irresponsible to support the effort to push this project through without any public input, and he supports the original resolution that was submitted.
- Robert Wintner —Concerned citizen. He offered thanks to Uncle Kimokeo for bringing his halau here to the meeting and for the wisdom that was shared by the group with the Council regarding the need to conduct ourselves at a slower pace and not be rushing to make important decisions. He felt that the community should not be pushed into an arrangement without proper planning. He supports the idea of making money and increasing tourism, however the process needs to be slowed down before it is too late to address unintended consequences.
- Michelle Anderson—South Maui County Council. She informed the Council that the Maui Council passed a resolution requesting the State to perform an EIS before doing improvements to the State's harbors. She felt that unless there is an environmental review process in place, then the State is only operating on promises. She asked the council members to revise the resolution to request the State Department of Transportation's Harbors Division to do an EIS, instead of requesting that the Hawaii Superferry conduct a voluntary environmental review, as they are the ones who will be doing the improvements. She stated that the law requires an EIS for "incidental improvements to existing facilities" which is covered under the Chapter 343 review process. She felt that an EIS is critical because it is the only time the public would have to review the project.
- Jack Naiditch —Private citizen. He was disturbed to find written testimony from Dr. Lou Herman supporting the Hawaii Superferry and using his position of the chair of the conservation committee on the council. Mr. Naiditch distributed the testimony to the Council members. Mr. Coon interrupted to ask Mr. Naiditch to clarify what the intent of his comments was. Mr. Coon reminded everyone that we are here to listen to comments regarding the issues on the agenda and not to have personal attacks of our Council members made during this time. Dr. Herman responded that his testimony to the State Legislature listed all of his affiliations and areas of expertise and did not imply that he was voicing the views of the Council. Mr. Naiditch said that the charter of this organization says that abuse of the position is grounds for removal. He asked for minutes of the conservation committee meetings and for council members to consider his

removal. Dr. Herman clarified that he is not being paid by the HSF and his testimony is encouraging HSF to continue to support mitigation measures to be developed for humpback whales. Jeff Walters suggested that the Council look more closely at guidelines to address the issue of members offering opinions and expertise and Becky Hommon asked to add this topic to new business.

### **Discussion on Reports and Updates**

#### **Chair's Report:**

Mr. Coon asked the Council members to review the Action Item Report (see attachment 1).

#### **Sanctuary Manager:**

Naomi McIntosh submitted a written report (see attachment 2). Ms. McIntosh asked Patty Miller, Maui Programs Coordinator, to share some of the recent efforts and events happening at the Sanctuary's Maui Headquarters.

#### **Sanctuary Co-Manager:**

Sanctuary Co-Manager, Dr. Jeffrey Walters, submitted a written report (see attachment 3).

#### **Conservation Committee:**

Lou Herman, Conservation Committee Chair, submitted a written report (see attachment 4).

#### **Research Committee:**

Marc Lammers, Research Committee Chair, submitted a written report (see attachment 5). Dr. Lammers explained that there was a matrix that was supposed to be included and will be made available to the Council members later.

#### **Education Committee:**

Jeanne Russell, Education Committee Chair, submitted a written report (see attachment 6).

#### **Honolulu County:**

No report was submitted.

#### **Kaua'i County:**

No report was submitted.

#### **Maui County:**

No report was submitted.

#### **Hawai'i County:**

No report was submitted.

**Vessel Collision Working Group:**

Terry O'Halloran, Chair, briefed the Council on the working group meeting that was held March 16, 2005. The working group is planning to have a conference call meeting in the following weeks that would allow the group to discuss the information that was gained at the meeting. Cindy Barger asked Mr. O'Halloran to address the concern with working with Pacific Whale Foundation that was addressed during the public comment period. Mr. O'Halloran requested the Chair, Jim Coon to make an executive order to merge the boater outreach group and the vessel group, since both groups are working on overlapping efforts.

**Presentations**

Pacific Ocean Ventures—Naomi McIntosh announced that Bob Howerton from University of Hawaii's Sea Grant Program on Maui would read a statement for Pacific Ocean Ventures, whose representative could not make it to the Council meeting. Mr. Howerton read that the site for the cage was proposed off of Maui, near Olowalu. The aquaculture facilities plan to use the submersible technology that is currently being used by Kona Blue Water Farms off the Big Island and Cates International off O'ahu. He said that Pacific Ocean Ventures welcomes the Council's comments and asked for an opportunity to present at another meeting. Ms. McIntosh asked Dr. Walters to comment on the status of the State's review of the proposed application from Pacific Ocean Ventures. Dr. Walters said that the Division of Aquatic Resources was asked to comment on a draft Environmental Assessment (EA) that was submitted by Pacific Ocean Ventures, and that the draft EA was not accepted. The co-managers have met with Pacific Ocean Ventures and he said that the cage is proposed to be in the heart of the Sanctuary, and is in a dense whale area that tends to have more mothers and calves. Kimokeo Kapahulehua asked that Maui County residents be given the opportunity to review and comment on this project. **ACTION:** Council members asked to invite the group to present their proposal at another council meeting.

Research Coordinators Meeting Update—Tamra Faris, NOAA Fisheries Assistant Regional Administrator, said that this was the third annual Research Coordinators Meeting that has been held. Participants at the Maui meeting were the permit holders for humpback whale related research projects that are taking place in Hawaiian waters. The meeting allowed the researchers and agencies to share information about their efforts. Ms. Faris explained that federal permits are issued by NOAA Fisheries permitting office and that they will continue to be the issuing agency. Marc Lammers suggested that some researchers could not attend the meeting due to its Maui location, and asked that in the future there be alternate locations or other options considered. It was requested that Ms. Faris share the list of permitted researchers with the Council (see attachment 7).

SPLASH Update—David Mattila, Science and Rescue Coordinator for the Sanctuary, gave a presentation on the latest efforts for the SPLASH (Structures of Population, Levels of Abundance, and Status of Humpbacks) project, and an update on the research that he did in American Samoa. He also informed the Council that there is new information that the Soviets took thousands of whales in the past that were not reported, thus affecting population estimates. Mr. Mattila also briefed Council members on a successful disentanglement effort of a juvenile humpback recently off Maui.

Pump-out Facilities on Maui—Rob Parsons, Executive Assistant for Environmental Concerns for Maui Mayor Alan Arakawa, thanked the Council for the opportunity to present an update on this topic. Mr. Parsons stated that currently there is a draft EA for improvements of Maalaea Small Boat Harbor that would include installing pump-out facilities. He informed the Council that the Maui community has voiced their concerns and the County is working with several organizations in the Maalaea community to address them. Mr. Parsons said that some of the identified concerns include funding and permitting. He said the County's next steps would be to meet with the Ocean Tourism Coalition and U.S. Coast Guard, and also to pursue other funding including working with private companies who are interested in donating their services. The timeline for developing the facilities is approximately 2-2 1/2 years. Council members requested that Mr. Parsons share the success of these efforts with other counties in the state.

### **Unfinished Business**

- Dr. Haas Memorial Plaque—Ms. McIntosh displayed the plaque in memory of Dr. Walter Haas and told the Council that the Haas Family was invited to the meeting for the presentation of the plaque, but declined because they were concerned about the Sanctuary's travel costs to the meeting. She asked Jean Souza to take the plaque to Kauai and present it to Dr. Haas' family on behalf of the Council. Mr. Coon recited *Crossing the Bar* by Alfred Lord Tennyson as a touching memorial to the memory of Dr. Haas.

### **New Business**

- Superferry Resolution—Dick Poirier presented changes to the draft resolution (see attachment 8) that he made based on comments he had received from members of the Council, which included: 1) Any "assessment" be changed to "review", 2) in the final "be it resolved" add "the chairperson of Office of Hawaiian Affairs", and 3) comments on Hawaiian punctuation. Mr. Poirier made a motion to accept the resolution with the proposed changes. Kimokeo seconded. The group continued discussing the wording and intention of the resolution. Mr. Poirier explained that at the last meeting he volunteered to draft a resolution and distribute it by email. He did so, asking the group for comments. Terry

- White spoke as a HSF representative after recusing himself from the meeting as a Council member saying that HSF has made efforts to take into consideration many of the Council's concerns, including whales and alien species, and feels that the company has been proactive in addressing these issues. He also said that the term environmental review might cause additional problems for the company at this point in time. Mr. White requested that the Council use a different term such as "best practices" or "whale avoidance measures" instead of "environmental review". Cindy Barger explained that the issue of harbor improvements are included under the Rivers and Harbors Act and/or the Clean Waters Act and thus under the jurisdiction of the U.S. Army Corps of Engineers. Terry O'Halloran reminded the Council that they have been working on vessel collision avoidance efforts and he commended HSF on coming to the Council early on and being open to the Council's suggestions. The Council continued to discuss the wording of the resolution. A discussion also ensued as to whether the resolution should address vessels in general instead of the ferry specifically. Mr. O'Halloran asked whether there was a commitment from HSF to develop a whale avoidance strategy. Mr. White said that they would be willing to do it. After further discussion and editing to the resolution, Mr. Kapahulehua asked to take action on the resolution and if there are changes the group can address them at a later time. Mr. Lammers moved to take out habitat of the first "be it resolved", Terry O'Halloran seconded. The motion passed unanimously. The members voted to adopt the resolution (with the suggested changes) by a vote of 14-0-2.
- NMSA Reauthorization Letter—Mr. Coon reviewed a letter (see attachment 9) that was drafted by the chairs of all of the Sanctuary Advisory Councils at the Fifth Annual Chairs and Coordinators meeting in February. The intent of the letter is to welcome the newly appointed Secretary to the Department of Commerce and give him some background on the National Marine Sanctuary Program and Sanctuary sites. Dr. Herman moved to accept the letter and the motion passed unanimously.
  - Discussion of Lou Herman's Testimony—Terry O'Halloran said he did not feel that the testimony that Dr. Herman gave at the State Legislature was inappropriate, but that he would like to discuss the use of associations at a future meeting. Commander Bob Wilson reminded members that the topic was already covered in the Council's Charter. **ACTION:** The Council Coordinator will send the charter out to the Council members as a reminder. Dr. Walters suggested that, if it was appropriate, when submitting an opinion on a topic that might be of interest to the Council that the Council receives a courtesy copy. The members also had a short discussion on the procedures of the public comment aspect of the meeting.
  - Pump-out Facility—The Council decided to address this issue at a different meeting.

- Cruise Ship Discharges—Teri Leicher asked that a follow-up on the Memorandum of Understanding regarding cruise ships be discussed at the next meeting. Ms. Leicher asked Dr. Walters to look into recent reported violations.
- Council Officer Nominations—Council Coordinator, Keeley Belva, discussed the Charter guidelines for electing Council Officers and took nominations. Nominations for Chair were Jim Coon and Terry O'Halloran. Nominations for Vice-Chair were Jim Coon and Terry O'Halloran. Nominations for Secretary were Sara Peck and Teri Leicher.

### **Public Forum**

- Greg Kaufman—Pacific Whale Foundation. Mr. Kaufman said that he felt that David Mattila's expertise could have been utilized more throughout the meeting. He pointed out that Hawaii Superferry's majority of operations are in the dark hours and that concern was not addressed and that a mitigation plan for the ferry should also address noise. He also suggested that the exact routing and speed be established and asked that the vagueness of the monitoring program be addressed by HSF. Mr. Kaufman said that he felt Hawaii Superferry presents a clear and present danger to humpback whales.

### **Announcements**

Naomi McIntosh thanked Starbucks for the donation of refreshments at today's meeting and Outrigger Hotels and Resorts for their lodging contributions for members of the Council

### **Adjournment**

Council Chair, Jim Coon, adjourned the meeting at 1:00 p.m.



## Attachment 1

### Hawaiian Islands Humpback Whale NMS Advisory Council Action Item Report

Action Item	Date	Lead	Accomplishments	Next Steps	Deadline	Completed?
A motion passed to expedite the <b>anonymous reporting effort</b> encompassing the Ocean Tourism Coalition and the Research Committee	20-Jan-05	Naomi	This effort is in progress.	Coordinate with the other groups involved.	17-Mar-05	
The Council voted to write a letter asking DLNR to expedite the installation of <b>ramp signs at all small boat harbors</b> around the state and note that DOBOR is willing to help with installation.	20-Jan-05	Reg	7 signs will be up by Feb 28, and move quickly to get others up. Versions of signs for self posting, we will print for their use--next week.	Draft Letter	17-Mar-05	
		Keeley, Jean	Keeley emailed the report to the group on Jan 31st.	Staff to provide Dr. Haas' recommendations.	3-Feb-05	Yes
Prepare a report <b>evaluating the listing of species within the Sanctuary</b> identifying those of "special national significance" as defined in the Act.	20-Jan-05	Marc	The committee held a meeting to discuss this on Feb 3rd.	Committee to prepare report. Committee meetings are currently scheduled.	17-Mar-05	
Prepare a <b>pros and cons analysis</b> of three proposals: 1) adding a number of individual species; 2) including the entire ecosystem; and 3) treating the presently identified Sanctuary resources as including all the species present within the Sanctuary as Sanctuary resources.	20-Jan-05	Lou, Terry O.		Have a meeting and discuss these options.	17-Mar-05	
Report what efforts have been undertaken to date in <b>support of species beyond the humpback whale</b> , regarding additional species.	20-Jan-05	Jeanne		Prepare report.	17-Mar-05	
Review the <b>protective avoidance measures</b> presently proposed by the Super Ferry and provide a report to the SAC and Sanctuary management.	20-Jan-05	Marc		Prepare report.	17-Mar-05	
The Sanctuary Change Committee will look at <b>enabling legislative alternatives</b> for adding new species and focus on measures that will help to enhance education and outreach efforts instead of prohibiting regulations.	8-Sep-04	Don			1-Jan-06	

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## Attachment 2

### Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council Manager's Report March 17, 2005

#### Council Updates

The Sanctuary Advisory Council's Executive Committee held a meeting via conference call on Thursday, January 27<sup>th</sup> to discuss the results and action items from the Council meeting that was held the week before and to plan the next meeting to be held on March 17<sup>th</sup> in Maui.

Council Chair, Jim Coon, and Council Coordinator, Keeley Belva spent the week of February 7-11, 2005 in the San Francisco area to attend the 5<sup>th</sup> Annual Advisory Council Chairs and Coordinators Meeting. The meeting was co-hosted by Gulf of the Farallones National Marine Sanctuary and Cordell Bank National Marine Sanctuary. The case study that Jim presented at the meeting focused on the importance of Advisory Council retreats and strategic planning sessions.

The Education and Research Committees both held meetings during this time period.

### **Education and Outreach**

#### Lecture series

Sanctuary staff both hosted and provided public lectures to increase understanding and awareness of Hawaii's marine environment and the Sanctuary program. Lectures were featured on Maui, Kauai, Oahu and the Big Island.

#### Education Center visitors

Maui Office hosted a session for Elder Hostel group. Fifty plus folks attended a session on whales and then participated in a hands on activity session of fish printing.

Maui Office continues to host elementary school groups for classes on whales, turtles and the reefs. The Maui site is also focusing on developing relationships with the local high schools. High school students are being trained to monitor reefs using transects and scientific protocols. Data is being collected on the fishpond wall adjacent to the sanctuary property. The fishpond wall is going to be rebuilt and the students' data will become a base line assessment for us.

The Maui site hosted sessions for a "Community Water Quality Training" program. Local residents are being encouraged to adopt a reef or beach area, and conduct weekly water quality tests. Water test kits may be checked out with the Sanctuary and are available to those who have been through the training. The information accumulated will put together into a community database.

#### Whale month on Oahu

Whale Month 2005 was celebrated during January on the island of Oahu. The month-long calendar of special events included lectures, video presentations, lunchtime whale watches, and more. Lectures were offered at a variety of venues around the island including Hanauma Bay, University of Hawaii at Manoa, and Haleiwa and they featured the following guest speakers: 1) Dr. Bob Richmond – Health of Coral Reefs, 2) Dr. Susan Lebo – Connection between Native Hawaiians and Whaling, 3) Kelly Gleason – Maritime Archaeology, 4) Jeff Mikulina – Environmental Issues in Hawaii, and 5) Dr. Adam Pack – Current Humpback Whale Research. The lectures and video presentations that were held at Hanauma Bay Nature Preserve were co-sponsored by University of Hawaii Sea Grant's Hanauma Bay Education Program and the lectures that were held at U.H. Manoa were co-sponsored by the University of Hawaii's Marine Option Program. Shoreline whale watches were offered at Waimea Bay, Diamond Head, and Makapuu Point Lighthouse.

#### Ocean Count

More than 685 volunteers gathered data from the shores of O'ahu, Kaua'i, the Big Island and Kaho'olawe for the first 2005 Hawaiian Islands Humpback Whale National Marine Sanctuary Ocean Count to tally sightings and document surface behaviors of the endangered humpback whales. Volunteers collected data from 63 sites statewide. The

numbers listed below represent the average number of whales sighted per 15-minute count period on each of the islands. Some sites experienced severe weather conditions, especially on the island of O'ahu, resulting in the cancellation of the count by mid-morning. At other sites poor visibility affected whale sightings. Both of these factors may have affected the resulting averages shown below.

O'ahu – 2 whales

Kaua'i – 6 whales

Big Island – 3 whales

Kaho'olawe – 19 whales

The second 2005 Sanctuary Ocean Count event was held on Saturday, February 26, 1005. Over 620 people on the islands of O'ahu, Kaua'i, Hawai'i and Kaho'olawe participated at 62 sites. The overall average number of whales sighted per 15-minute count period for all islands was three. A couple of sites experienced severe weather conditions, especially on the island of O'ahu, resulting in the cancellation of the count by mid-morning. At other sites, windy conditions led to poor visibility, which in turn affected whale sightings.

The Kauai and Oahu offices have been conducting "Brown Bag with the Whales", a shore-based whale watch with Sanctuary staff.

#### Other School Based activities

This year, the Sanctuary staff is increasing its physical presence on school campuses with more in-school activities in formal education and non-formal education. Sanctuary staff and volunteers have conducted several presentations on humpback whales and the sanctuary for students in both in school and after school programs.

Four high school students from Kauai are undertaking an after-school project to translate articles on whales and whaling from Hawaiian into English. The articles come from newspapers and journals printed in the 1800's.

### **Science and Rescue**

The Sanctuary Research team is in the midst of its 2<sup>nd</sup> year of the SPLASH program.

Sanctuary research staff participated in the Hawaiian Islands researchers annual meeting on Maui sponsored by NOAA Fisheries Pacific Islands Regional Office. This meeting was very informative and opened up the communications between researchers on all the islands. Discussions focused on ways to maintain open communications and cooperation to create opportunities to get data more efficiently and effectively.

#### Incident and Stranding Response

##### Rescue Response

The Sanctuary's rescue and response team members have been kept busy this whale season. A full reporting of their efforts will be compiled and presented to the SAC at the end of the 2005 whale season.

## **Training**

As part of ongoing safety and preparedness training, sanctuary staff on Oahu practiced procedures used for rescue response in disentangling humpback whales. The on the water training involved deploying the combat rescue zodiac and specialized equipment for attaching a tracking buoy on to the trailing lines or nets from entangled humpback whales. The training involved a safety briefing, overview of equipment and hands-on practice. The disentanglement efforts are coordinated by David Mattila, Sanctuary Science and Rescue Coordinator, who trains all rescue staff in Hawaii including sanctuary staff and state personnel.

Operations Coordinator Paul Wong attended the Small Boat Workshop on March 2, 3 and 4. The workshop provided valuable information in operations, safety and guidelines for operating the sanctuary vessels, the 22' Seacat and 39' Manacat.

## **Partnerships**

The Sanctuary hosted a special boater safety training that was sponsored by H.O.S.T., the Hawaii Ocean Safety Team. Approximately 25 people attended the training that was held in the conference room of the new Oahu office. Dr. Jeff Walters, Sanctuary Co-manager, gave a short presentation on operating safely on the water around wildlife. Christine Brammer, Oahu Programs Coordinator, and Carey Morishige, Education Specialist, helped with planning and logistics.

The Sanctuary continued to work with the HISRG, Hawaiian Islands Stranding Response Group, a volunteer marine mammal response organization to conduct volunteer training on the islands of Oahu, Kauai, and the Big Island.

Christine Brammer worked with NOAA Fisheries to write and record a public service announcement on humpback whale vessel collision avoidance and entanglement that will air on local television during the program Hawaii Goes Fishing. The public service announcement focuses on educating that public about how to avoid a collision with a whale as well as how to report humpback whale approach violations and sightings of entangled marine animals.

The Sanctuary worked with the U.S. Navy to host a special shoreline whale watch on Saturday, March 6, 2005. To promote the event, Christine Brammer worked with the editor of the Hawaii Navy News to produce a full-page article that was featured in the February 19th edition of the newspaper on "Watching Gentle Giants".

On February 19, 2005 the Sanctuary's Maui office took part in the Pacific Whale Foundation's annual Whale Day. The Sanctuary hosted a booth from 8 a.m. to 4 p.m. that offered educational information for adults and learning activities for the children. Volunteers assisted with the children making whale hats, turtle bracelets, and sea critter necklaces. Overall the event was very successful and staff talked to hundreds of children throughout the day.

## **Miscellaneous**

The Maui site sponsored a special whale watch cruise for our wonderful volunteers. A group of about 90 volunteers and staff spent a couple of hours out at sea and had the pleasure of viewing some awesome whale breaches and displays.

## **Heads up**

The Sanctuary will be co-sponsoring an event with Hanauma Bay Nature Preserve "E Malama I Ke Kai on Saturday, April 9, 2005 from 6:00 p.m. to 9:00 p.m.

Christine Brammer and Carey Morishige have developed an Ocean Art, Essay, and Poem Contest that will be open to participants of this year's new Whales After School program. In addition to the after school participants, student groups that worked with the Oahu outreach/education staff on other projects such as the Sanctuary Ocean Count will also be eligible to participate. The winning students will be honored and awarded at an upcoming family event that will be held at the Hanauma Bay Nature Preserve. The winning works will be featured in Hawaii products that aim to educate the public about the environment and about the variety of agencies that are involved. The first proposed product is a tide calendar similar to the one that has been produced annually in American Samoa.

## **Attachment 3**

March 4, 2005

## **MEMORANDUM**

To: Sanctuary Advisory Council, Hawaiian Islands Humpback Whale National Marine Sanctuary

From: Jeff Walters, Sanctuary Co-Manager, Hawaii Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR)

Subject: HIHWNMS state office update for the period of January 15, 2004 through March 4, 2005 (Prepared for the March 17, 2005, Council meeting).

### **Boater Outreach Project**

Boat Ramp Signs – Five aluminum signs have been procured as of March 4, 2005. Installation at Haleiwa, Maalaea, Lahaina and Honokohau Small Boat Harbors and the Mala Wharf ramp will be completed before the end of March. Additional signs will be procured and installed before the 2005-2006 whale season as funds become available. Depending on public reaction to the 5 "pilot" signs, the sign design and content may be modified prior to producing the next batch of signs. For instance we may want to add a bullet stating whales are most numerous in waters 600 feet deep or less. On March 4, the sign was featured on a TV news story (KGMB) about the prop-injured calf. The sign was also included in a March 4, front-page Maui Newsarticle about the calf.

Boat Ramp Sign Posters – Poster size versions of the sign were printed and laminated for display at various bulletin boards around the state. Over 30 posters have been distributed to sanctuary staff and SAC members in all counties. Thanks to the SAC members for their support with this!

Boater Outreach Cards – Cards are currently being designed for distribution to boaters and other ocean users with messages intended to reduce vessel strikes, increase compliance with the 100-yard approach rule, and encourage entanglement and stranding reporting. The cards will be full color, double sided, 5.5" x 8.5", possibly using waterproof card stock. Three sides are currently under development: 1. common marine mammals of Hawaii species ID guide, 2. safe boating / collision avoidance (based on harbor sign design), and 3. entanglement and stranding reporting. The sides could be printed on either side of the cards in various combinations. Through our partnership with the Hawaii Ocean Safety Team (HOST), several local units of the USCG Auxiliary are ready and willing to distribute the cards at harbors and on the water as soon as they are available. Draft designs will be distributed at the March 17 Council meeting for Council review and comment.

Presentation at Safe Boating Seminar - On January 22, the sanctuary co-manager gave a presentation on "Safe Boating around Marine Wildlife" at a half-day boat safety seminar hosted by the NOAA Hawaii Kai sanctuary office in collaboration with the Hawaii Ocean Safety Team (HOST), the US Coast Guard and other organizations.

#### **Marine Mammal Stranding and Entanglement Response**

Several incidents, including at least three humpback entanglement reports (Oahu, Maui), one dolphin entanglement (Big Island), two confirmed humpback ship strikes (Oahu, Maui), one assumed calf strike (Maui), and two expired humpback calf strandings (Oahu, Maui) were reported and responded to around the state by various agency staff and/or volunteers during the reporting period. State sanctuary program staff were directly involved in the following four incidents.

1. David Nichols responded to a report of an entangled whale off of Rabbit Island at about 3:00 PM, January 25, 2005. The report originated from a lifeguard on a jet ski in the area. The Sanctuary vessel (Manacat) with Maui-based sanctuary staff aboard was conducting research along the Penguin Bank (Molokai) and was able to get to the area by 4:00 assisting with the search for the animal. The animal was last seen heading in the direction of Molokai, but viewers lost sight of the animal before it could be disentangled. Oahu-based sanctuary staff Naomi McIntosh, Paul Wong, Christine Brammer, Keeley Belva and Carey Morishige also responded to the incident.
2. Justin Viezbicke, Big Island staff member, assisted SPLASH researchers Susanne Yin, Christine Gabrielle and crew in locating and monitoring an entangled spinner dolphin a few miles north of Keahole Pt. over a two-week period starting January 22, 2005. The adult male spinner was observed to have a single piece of line looped around his body, with the upper section cutting several inches into his dorsal fin. After one unsuccessful attempt to cut the line loose and subsequent relocating and monitoring of the animal over several days, the team spotted the dolphin on February 3 swimming free of any line. There were a couple of new scars on the animal, indicative of a shark bite. Did a shark disentangle the dolphin? – we'll never know. The Nature Conservancy's Jan Ostman-Lind, Hawaiian Island Stranding Response Group (HISRG) Vet Dr. Bob Braun, and the sanctuary's David Mattila provided invaluable guidance during this prolonged incident that had a happy ending.
3. On February 9, 2005, David Nichols responded to a dead humpback whale calf on beach near Barber's Point. The calf appeared to be relatively young, still having a portion of the umbilicus attached. The carcass had a portion of the pectoral fin missing (possible shark bite) and evidence of a shark bite in throat area. A necropsy performed by HISRG was not able to reveal the cause of death.
4. Later the same day (2/9/05), Nichols responded to a report of a juvenile humpback whale entangled in fishing gear on the north shore of Oahu (north of Kaena Point). A disentanglement team, including Nichols and David Mattila, responded with assistance from DOCARE, but animal was not relocated. Oahu-based sanctuary

staff Naomi McIntosh, Christine Brammer and Carey Morishige also responded to the incident.

Also on the stranding response front, Justin Viezbicke organized and presented at the monthly (2/1/05) HISRG meeting in Kona. The presentation was a PowerPoint with video on basic dolphin/whale anatomy. Overall organization of this group is going well and excellent progress is being made in a number of areas including communications (phone tree), resource identification, and training of volunteers in basic animal identification.

Finally, Oahu-based sanctuary staff, Keeley Belva, Paul Wong, David Nichols and Jeff Walters, conducted a "shake down" cruise and safety review aboard the sanctuary's 15' inflatable entanglement response boat in Kaneohe Bay on February 21, 2005. Thanks to David Nichols for doing yeoman's work on the pre and post cruise preparation and clean up over the holiday weekend.

### **Education and Outreach**

Big Island – Justin Viezbicke continued his extensive education and outreach activities during the reporting period. Below are some highlights:

Jan 22 - Gave talk on at the Mokupapapa NWHI CRE Office in Hilo. The talk covered background sanctuary information, background, goals and objectives and highlighted the SPLASH project. Jan 27 - Trained site leaders for upcoming Sanctuary Ocean Count. Jan 29 - Visited 5 different Big Island Sanctuary ocean count sites to say hello and thank you to volunteers as well as answer any questions that anyone had regarding the count or whales in general. Feb 1- Feb 3 - Partnered with Pu'uuhonua O Honaunau National Historic Park for children's cultural education day. At this event the sanctuary booth featured the "Whale of Fortune" in which the kids spun the wheel and then attempted to answer questions about humpback whales. Feb 9 - Presented PowerPoint at Pu'uuhonua O Honaunau National Historical Park on humpback whales and the SPLASH project. Feb 18 - Worked with 12 sixth grade Hawaii Immersion school kids down at Honaunau, working with the kids on a variety of different whale activities that included drawing whales, whale trivia, humpback behavior video clips, and other whale related activities. Feb 17 - Presented PowerPoint to Kona Rotary Club during their weekly luncheon. The presentation covered basic sanctuary information, goals and objectives for the Kona office and it finished off with a highlight on the SPLASH research project. Feb 18 – Worked with Hawaii Immersion Schools in Honaunau conducting whale education activities. Feb 24 – 25 – Staffed Kihei, Maui sanctuary office site, while regular site manager was on travel. Assisted Maui high school students doing marine monitoring project, laying and recording transects along the beach and in the water.

### **Open Ocean Aquaculture (Mariculture) Projects**

Keahole Pt., Big Island – In accordance with the DLNR Conservation District Use Permit issued to Kona Blue Water Farms, the company has been working with state sanctuary staff to develop and implement a marine mammal monitoring program and activity modification protocol associated with the company's installation and operation of six submerged fish pens and two surface fish cages. With a spotting scope and other equipment provided by the company, Justin Viezbicke has been field-testing a shore-based monitoring program designed to detect any gross changes in whale abundance or behavior around the mariculture site relative to a nearby control site. The activity modification protocol will specify a process by which the operation will modify or cease its activities in the event of a whale collision, entanglement, or other serious adverse impact. Installation of the anchors and mooring lines began in late February. Depending on weather and other factors, installation of all the structures is expected to be completed within the next 30 – 60 days.

Ukumehame Gulch, Maui – A private firm, Pacific Ocean Ventures, submitted a draft EA and CDUP application in late December 2004 for an open ocean fish farm (8 submerged pens with mooring array, covering a total area of about 80 acres) to be located about one mile offshore of Ukumehame Gulch (between Olowalu and McGregor Pt.). Upon review of

the application materials, co-manager, Jeff Walters, provided written and verbal comments to the DLNR Office of Conservation and Coastal Lands (OCCL) and to state Aquaculture Development Program (ADP) expressing concern about the proposed project. OCCL informed the applicant on February 17 that it would not accept the application as the EA was considered incomplete. On February 22, sanctuary manager, Naomi McIntosh, and co-manager, Jeff Walters, met with the applicant, his consultant, and ADP staff to discuss concerns related to possible humpback whale impacts. It was reiterated that the proposed fish farm location was an area known to support the state's highest relative densities of humpback whales, in general, and mother calf pairs, in particular. It was also reiterated that the proposed location was already extensively used for eco-tourism activities such as whale watching, snorkeling and SCUBA diving. It is not clear whether the applicant will resubmit a revised application for the same location. Given the extremely high habitat value and high current ocean use levels associated with this location, sanctuary management will continue to have serious concerns regarding the approval of any large-scale mariculture operation in the area. We will remain ready to consult with the applicant regarding a more whale-friendly location for this proposed activity.

#### **Monk Seal Conservation**

On January 28, 2005, Big Island staffer, Justin Viezbicke, partnered with federal and state agencies to attempt to bleach mark a Hawaiian Monk Seal that was hauling out on a regular basis at Kekaha Kai State Park and Kukio Beach Park. Justin had been monitoring the seal in the area since January 22. The harmless and temporary bleach mark was to be used to help identify individuals and track the growing Big Island monk seal population. The bleaching wasn't very successful on this attempt due to the bleaching agent and its consistency (too thick to really get into hair). Justin and crew will continue to monitor the seal and make another attempt to mark the animal at a later date. In the meantime, Justin coordinated with the Kukio beach boys (resort staff) to cone off the animal and post signs so the public is aware of the animal. The staff will also record each day that the seal is present and will distribute printed information cards, supplied by the sanctuary, so that guests can learn more about this endangered species.

The Kauai Marine Conservation position is now expected to be filled by April 1, 2005. The position, funded by NOAA Fisheries, via the DLNR-NMSP sanctuary co-management contract, will meet a critical need for monk seal haul out and pupping management, as well as response to marine mammal and sea turtle strandings on Kauai.

#### **SPLASH Research Assistance**

State sanctuary staff continue to oversee the administration of \$97K in federal funding for the winter 2004-2005 Hawaii-based SPLASH research effort. Big Island staff, Justin Viezbicke, has also been providing occasional field support for the Big Island SPLASH research team (Gabriele, Yin, et al. of the Hawaii Marine Mammal Consortium). State staffer, David Nichols, has taken the lead in this effort and has also continued administering the associated DLNR-SOH humpback whale research permits.

#### **Hawaii Superferry**

A bill in the State Senate (SB 1785) that would have required Hawaii Superferry, Inc. to prepare an EIS has been held in committee. Meanwhile, Council alternate Duane Erway has continued to facilitate an informative email dialogue regarding the applicability and safety of the Superferry using forward-looking sonar to detect whales and avoid collisions. The co-manager has also had discussions with Superferry representative Terry White regarding the development of a company policy to minimize possible adverse impacts on humpback whales. The co-manager communicated to Mr. White that, while the information presented thus far in various presentations is encouraging, it would be most productive to have a draft



policy presented in writing, so that the sanctuary program and partners could review the document and offer specific comments.

#### **US FWS Grant for State Aquatic Wildlife Conservation Strategy**

The state office is currently finalizing the hiring of two temporary staff associated with the US Fish and Wildlife Service's (US FWS) State Wildlife Grants program to develop a conservation strategy for Hawaii's aquatic wildlife. The strategy will include conservation recommendations for marine mammals and sea turtles. It is expected that these recommendations will help inform the sanctuary staff and advisory council regarding the possible addition of new species to the sanctuary. A draft version of the strategy is expected to be completed and available for Council review and comment by June 2005.

#### **Other Activities, Meetings, Etc.**

- 1) January 18 – 19 – Walters chaired WESPAC Coral Reef Ecosystem Fishery Management Plan Team meeting, discussing proposed fishing regulations for the NWHI and other US Pacific coral reef fishery issues.
- 2) Jan 19 – Nichols submitted final DLNR monk seal and sea turtle incidental take permit (ESA Section 10) application to NOAA Fisheries.
- 3) Jan 20 – Nichols and Walters attended Sanctuary Advisory Council Meeting.
- 4) Jan 20 – Nichols represented the Division of Aquatic Resources at a evening public meeting in Waianae related to the current permit for a single kayaking operation in Makua Valley.
- 5) Jan 25 – Nichols and Walters attended Legislative hearing re Hawaii Superferry.
- 6) Feb 3 – Walters participated in SAC Change / Research Committee conference call re adding new resources to the sanctuary.
- 7) Feb 7 – Nichols and Viezbicke participated in NOAA Fisheries sponsored Hawaii whale researchers meeting on Maui.
- 8) Feb 14 – Walters facilitated meeting with NMSP Pacific Islands Region and DLNR staff re creating a map of state-managed MPA's for upcoming Honolulu Advertiser insert.
- 9) Feb 15 – Walters attended Legislative hearing re Superferry EIS.
- 10) Feb 17 – SAC education committee conference call re education and outreach program development.
- 11) Feb 18 – Meeting at WESPAC re SSC meeting.
- 12) Feb 22 – 24 – Attended WESPAC SSC meeting as DLNR rep. Discussed and made recommendations re proposed fishery management regulations for NWHI.
- 13) Feb 23 – Nichols attended briefing meeting regarding the consolidation of NOAA programs/operations on Oahu to a single facility on Ford Island.

cc: Peter T. Young, DLNR Chairperson  
Francis G. Oishi, Acting DLNR-DAR Administrator  
Allen Tom, NMSP Pacific Islands Regional Coordinator  
Naomi McIntosh, Sanctuary Manager

#### **Attachment 4**

### **Conservation Committee Report**

SAC Meeting March 17, 2005

Chair: Lou Herman

The Committee has not meet since the last SAC meeting. However, several issues bearing on whale protection and conservation have come to the forefront recently. These should be closely attended to and discussed by the committee and, hopefully, result in recommendations that can be transmitted to the SAC as a whole. These are:

1. The Superferry and the issue of whale strikes
2. Fish farms
3. Military sonar

#### **Superferry**

##### **a. Senate Bill**

On Thursday, March 3<sup>rd</sup>, 2005, the Senate Committee on Transportation (Sen. Lorraine Inouye, chair) conducted a hearing on Senate Bill 1785 to require Hawaii Superferry to prepare an EIS. The requirement would have been unique to the Hawaii Superferry. The meeting was heavily attended, and many additional comments were received by Fax or email. Representatives from the Department of Transportation and DBEDT spoke against the bill. More generally, responses against the bill seemed to greatly outweigh responses in favor. The majority of opposition focused on the impact of the ferry infrastructure on traffic and access to harbor space and water. Whales were barely mentioned, except by Senator Kanno, the sponsor of the bill. I (Lou Herman) spoke against the bill (as a private citizen, not as a SAC member), addressing the issue of ship strikes. My summarized comments follow:

*In my view, the threat of ship strikes should not be focused solely on the Superferry, but on all shipping, as evidenced, for example, by the recent strike of a whale by the Lahaina-Lanai ferry and by the strike of a whale by the American Dream whale-watching boat near Diamond Head in Honolulu in December 2004. Clearly, strikes have occurred and will occur in the future.*

*The relevant approach, however, is not to prohibit or reduce shipping, or even certain types of shipping, because ships and shipping are an essential or desired form of transportation, commerce, and recreation in our Island state. Rather, the approach needed is to develop new effective means to minimize the occurrences of strikes through advances in technology.*

*To this end, some researchers are developing and testing new forms of sonar and radar to detect whales ahead of a ship, whether the whales are underwater or at the surface. We, at The Dolphin Institute, are developing and will be soon testing a system to transmit to ships via cellular technology real-time maps of the location of whales ahead of their planned path. This will enable the ships to take appropriate avoidance strategies. The*

*maps are generated from shore-based observation platforms located strategically along the planned path of the shipping. We feel, for example, that such a system can be used by the Superferry to greatly reduce the probability of encountering whales.*

*In this sense, the advent of the Superferry is a good thing, since it impels the type of research and technology described and places a firm deadline on its development. Such technological developments will benefit not only the Superferry, but also other types of large vessels plying Hawaii's whale waters, such as Cruise ships and existing conventional ferries. This is what we need to do: allow the implementation of a new and important type of transportation represented by the Superferry, motivate the development and implementation of new whale avoidance technology for vessels in general, and, at the same time, offer increased protection for the whales.*

*Clearly, the Superferry will be of economic benefit to the State and will offer a badly needed alternate form of affordable transportation to the people of Hawaii and to visitors. As a corollary to the proposed development of the Superferry, there has been greatly increased motivation for the development of needed technology that will benefit all large shipping. That is a good thing. On the other hand, passage of SB 1785 will effectively scuttle the Superferry, lose its benefit to commerce and transportation, and delay or even scuttle the development of these needed new technologies.*

At the end of the four-hour hearing, the Committee voted against the bill.

b. Interview on morning radio show (FM 97.5) of Senator Fred Hemmings and Senator Donna Mercado Kim, Wednesday March 9<sup>th</sup>, 2005, 7-9 AM.

On this date, I was a guest of the Senators on their morning radio show. The program was focused on the humpback whale and issues surrounding its behavior and conservation. The issue of the Superferry and ship strikes was again discussed and the Senators appeared relieved that SB 785 did not pass. At their request, I reviewed the various Federal and State laws, regulations, and agencies involved in marine mammal protection and conservation, including of course the Sanctuary. I discussed the importance of the Hawaiian wintering grounds, the migration patterns of the whales, reproduction, population assessment and recovery, the ECHO program, and the enigma of the history of the whales in Hawaii (why is there so little evidence of the presence of the whales in pre-contact Hawaii?). The discussion was lively throughout and Senator Hemmings was particularly intrigued by the issue of the history of the whales. I feel that as a result of the discussion, the Senators had a much greater appreciation for and understanding of the whales.

*Issues: What recommendation on the Superferry should be forwarded to the SAC. How can mitigation measures to avoid or minimize ship strikes be more speedily developed?*

## 2. Fish farms.

Open ocean fish farms are a developing and expanding industry in Hawaii. The farms can potentially affect whales or dolphins, depending on the farm's location and structure. Farms include one currently in operation and four in development or proposed for development. These are listed below.

### *Operational*

#### *Cate's International Inc. Moi, Mahi Mahi & Kahala*

Cate's International has three sites located two miles due south of Ewa Beach and just west of the Pearl Harbor entrance. The 28 acres they have leased are not located in HIHWNMS waters. The cages themselves cover a total of half an acre. The additional acreage is required for mooring lines that are stretched out like a "spider web."

### *Proposed*

#### *Kona Blue Water Farms (Mahi Mahi and Kahala)*

***Kona Blue Water Farms proposes to develop an offshore open ocean fish farm south southwest of Unualoha Point, Kona, Hawaii. KBWF plans to lease 90 acres 600 feet offshore. The site lies within Sanctuary waters.***

#### *Pacific Ocean Ventures (Kahala)*

***POV plans to raise Kahala until they are approximately five to six pounds in size. In the wild these fish are often contaminated with worms and ciguatera, both of which they hope to eradicate in their fish. Their overall goal is to create sashimi and a brand new fish market for Hawaii. In addition, POV also hopes to incorporate a program that teaches people about open ocean farming, the methods they are using and the reasons for it. The preferred site is near Olowalu, Maui, about 1.25 miles offshore in 150-160 feet of water. Although they plan to begin the project with four cages, POV plans to develop eight cages within a couple of years after starting. The site lies within Sanctuary waters. This is an area of known high usage by the whales, as is most of the waters in the four-island region (the waters, of the Kalohi, Auau and Pailolo channels between Maui, Molokai, Kahoolawe and Lanai).***

#### **Ahi Nui Tuna Farming Company LLC (tuna)**

Ahi Nui submitted a Conservation District Use Application and a draft Environmental Assessment to DLNR on July 24, 2002 for 216 acres of submerged lands approximately four miles northwest of Kawaihae harbor on the Big Island. Ahi Nui plans to catch juvenile big-eye and yellow fin tuna and raise them until they are ready for market.

#### *Ahi Farms (tuna)*

Ahi Farms Inc. is proposing to raise yellow fin tuna offshore of Waianae. Their primary market is going to be Hawaii, and one of the main goals of the farm is to create mercury-free tuna.

*Issues: What recommendations for fish farms and their location should be forwarded to the SAC? What recommendations can be made to mitigate against the potential for entanglement or pollution arising from operation of fish farms?*

### 3. Military sonar

Mid-range sonars have been associated with dolphin or whale strandings in various places in the world: the Mediterranean, the Bahamas, the U.S. East Coast, the Florida Keys, and Hawaii. The evidence for causation has become stronger of late. Theories suggest that the sounds may have a physically damaging effect on ear structures and/or produce air embolism in organs. The Navy's view is that these sonars are necessary for defense against submarines.

*Issues: What recommendation should the committee make to the SAC?*

## **Attachment 5**

### RESEARCH COMMITTEE REPORT

March 17<sup>th</sup>, 2005

Marc O. Lammers, Chair

The Research Committee met jointly with the Conservation Committee immediately following the January 20<sup>th</sup> SAC meeting. The purpose of the session was to identify priority agenda items for 2005, following up on the SAC retreat. The discussion focused on the issue of making a recommendation to the Sanctuary Co-Managers regarding adding species to and changing the boundary of the Sanctuary. It was resolved that the Research Committee would, by the next SAC meeting, take into consideration the work already done by the late Dr. Walter Haas and evaluate the listing of species within the Sanctuary identifying those of "special national significance" as defined in the National Marine Sanctuaries Act (NMSA).

The topic of the proposed Super Ferry was also discussed. It was resolved that the Research Committee would review the protective avoidance measures presently proposed by the Super Ferry, as presented at the SAC meeting of this date, and provide a report to the SAC and the Sanctuary Co-Managers as to the measures' effectiveness based on their implementation in other locales.

As follow-on to the first resolution, the Research Committee met again on February 3<sup>rd</sup> via conference call. At the meeting's onset, Jeff Walters discussed two emails that were sent out with background information on the recent discussions of additional species, including definitions of terminology within the NMSA. He also clarified for the rest of the committee that the term "habitat" only refers to the waters in Hawaii that provide living 'space' for whales, and therefore does not presently include other organisms in the

water column or on the benthos. The committee then discussed what criteria should be used to determine which, if any, new species should be considered for addition to the Sanctuary. Marc Lammers proposed three basic criteria as a starting point. They were:

- Species that are already protected under law (the take of which is protected by Federal or State law).
- Species that regularly occur within the 100 fathom isobath (already Sanctuary boundaries).
- Species that are most likely to have interactions with humans.

The committee agreed to adopt these three criteria as a basis for making recommendations. It was further decided that a matrix would be created for a range of candidate species identified in the Sanctuary's 1997 Environmental Impact Statement (EIS) as "other marine resources of Hawaii." This matrix would take a format that includes species on one axis, and the current status and activities associated with each species on the other axis. This outline of the matrix would be drafted by the Research Committee, and then passed on to and filled in by the Change Committee. The current draft of this matrix is presented below.

	Primary criteria			Secondary criteria				
	Legally protected	Occur in Sanctuary	Human interaction level	Education effort	Research effort	Enforcement level	Cultural significance	Economic significance
<b>Cnidarians (corals)</b>								
<i>Pocillopora sp.</i>	Yes	Yes	Moderate					
<i>Porites sp.</i>	Yes	Yes	Moderate					
<i>Meandrina sp.</i>	Yes	Yes	Moderate					
<i>Fungia sp.</i>	Yes	Yes	Moderate					
<i>Leptastrea sp.</i>	Yes	Yes	Moderate					
<i>Cyphastrea sp.</i>	Yes	Yes	Moderate					
<b>Odontocetes (dolphins)</b>								
Bottlenose dolphins	Yes	Yes	Moderate					
False killer whales	Yes	Yes	Moderate					
Spinner dolphins	Yes	Yes	High					
Spotted dolphins	Yes	Yes	Moderate					
<b>Pinnipeds (seals)</b>								
Monk seal	Yes	Yes	High					
<b>Celonia (sea turtles)</b>								
Green sea	Yes	Yes	High					
Hawksbill	Yes	Yes	Low					
Leatherback	Yes	No	Low					
Loggerhead	Yes	No	Low					
Olive riddley	Yes	No	Low					
<b>Aves (sea birds)</b>								
Dark-rumped petrel	Yes	Yes	Low					

## **Attachment 6**

### **SAC Education Committee 9 March 2005 Jeanne Russell, Chair**

On February 17, 2005, the Education Committee held a conference call. Attending the meeting was Jeanne Russell, Keeley Belva, Jeffrey Walters and Paul Wong.

First. The Research Committee has requested that the Education Committee evaluate what the sanctuary has done with regard to educating the public regarding species other than humpback whales. Jeanne requested a report from each island's coordinator on their current efforts and resources.

Second. Keeley gave a report on what other Education Committees are doing at other sanctuaries after attending the 5<sup>th</sup> Annual Advisory Council Chairs and Coordinators Meeting with Jim Coon in San Francisco. Her findings were that many Education Committees were working on their Management Plan reviews, another was meeting with educational staff from the sanctuary and working to develop curriculum for schools, and one group was working on a Power Point presentation for sanctuary staff and council members to use when going out to the public. It was discussed that meeting with educational staff is key for the Educational Committee. It would be ideal if the Education Committee could meet with Justin on the Big Island, Jean Souza on Kauai, Chris on Oahu, and Patty on Maui. However the logistics of arranging such a meeting might be difficult. It was discussed that it would be best to coordinate with one liaison person. This would need to be further discussed with Naomi McIntosh.

Third. A Nationalist Certification Program certified by NOAA would be a nice way to educate the public and pass on the word about the Sanctuary; however additional funding and staff support would be needed. Keeley suggested that we speak to Columbine Culburg, NMSP staff, to discuss "Watchable Wildlife." Later it was discovered that Jean Souza is already working with NMSP staff on a certification program. More information from Jean Souza is needed.

Fourth. The Educational Committee was reviewed in general and it was discussed that currently, there is really nothing pending that is needed by the Education Committee to review. However, Jeff did mention that an Educational Strategic Plan was needed as required by the Management Plan of 2002. The Educational Committee could work to access what the sanctuary has been doing and look into new programs that need to be implemented. Further discussion is needed and, especially, Naomi's input would be critical.

Another meeting was scheduled for March 9, 2005, but since Naomi is in Washington, D.C. and staff members are busy with whale season it was decided to postpone the next Educational Committee meeting for after the SAC meeting.

## Attachment 7

### Hawaii Humpback Whale Researcher Contact Information 2004/2005 Field Season

PI	Primary Working Permit #	Point of Contact	Local Address	Local Phone	Cell Number	Fax	E-mail Address	Start/End Field Season	Research Area	Vessel Name	Vessel Type	Radio and Call Numbers
Jim Darling	763-1599-01	Jim Darling Flo Nicklin Karen Miller Meagan Jones	2750 Kalapua Dr., #40, Lahaina, HI 96761  320 Pepee Pl, Paia, HI 96779	808-467-6271  808-873-9500	Jim: 808-870-8794 Flo: 907-250-7405  Meagan: 808-283-1908	808-467-6271 808-467-6271  808-873-9693	JimDarling2@aol.com darling@hawaii.net nicklin@hawaii.net mjones@whaletrust.org		West Maui	Never Satisfied Charles S. Osprey	24 ft hudsoncraft 22' grady 19' aquasport	VHF 16
Deborah Glendon-Exner	393-1480-02) - being renewed	Debbie or Mark Exner	P. O. Box 1539 Lahaina, Maui, Hawaii 96747		808-298-1150, 565-789-2793		cedferrari@aol.com	Feb-Apr	Akuu Channel	Hakua	26' Glacier Bay Catalina	VHF 16, CB Ch 40
Lou Harman	707-1531-02	Adam Pack	TD1 420 Ward Ave, Suite 212 Honolulu, HI 96814	Mau-Napoli: 808-766-1403 808-550-2211	Adam: 808-375-7892 Boat cell: 283-4871, or 283-4975	808-609-1003	pack@hawaii.edu therman@hawaii.edu		Four-Island Region	Kohala Kohala II ("K2")	18' Boston Whaler 21' SeaSaver	VHF 16, 71 CB Ch 40
John Bergeson (HMM)	782-1719-20	David Matika Alan Lynn	HI-HWNMS 726 S. Kihai Rd, Kihai, HI 96733	808-879-2818	David: 808-381-6234 Alan: 808-294-0606	808-874-3815	David.Matika@hawaii.gov ALynn@hawaii.gov	Jan-Mar	Mongaii Banks, Maui, HI, Hawaii	NOAA SeaCo	21' Hi cat 40' Per Cat	VHF 16
		Chris Gabrielle	P. O. Box 6107 Kamuela HI 96743	808-880-1101	808-640-1101	808-887-1532 (cell first)	gabrielc@hawaii.net gabrielc@hawaii.net gabrielc@hawaii.net	Jan-Mar	Kawaihoi, Big Island	Makalo	18' Whaler	VHF 16
		Mark Deakos	4903 L. Honolulu Hwy., Lahaina, HI 96761	808-669-8996	808-280-6448	808-669-8999	deakos@hawaii.edu	Jan-Mar	Maui	Someday	28 ft SeaRise	VHF 16, CB 40
		Marc Lammen	Oceanwide Science Inst PO Box 61052 Honolulu, HI 96839	808-866-0445	808-375-0010	808-847-8719	lammen@hawaii.edu	Feb-Mar	Oahu	Mekane	32' Grand Banks	VHF 16
Joe Motley	642-1536-01	Joe Motley	95-129 Ala Ika, Pearl City, HI 96782	Oahu: 808-454-4716 Maui-Napoli: 808-669-4566	Joe: 808-296-9554	808-453-6176	motley@hawaii.edu		Kauai/Niihau		18 ft	VHF 16
Dan Salden	587-1472	Dan Salden Jill Michelsen	Hawaii Whale Research Foundation Front St. O-208, Lahaina, HI 96761	808-661-3386	Dan: 808-293-3580 Jill: 808-293-2618 Peggy: 831-601-3833	808-661-3386	dsalden@hawaii.edu jlsalden@hawaii.net		Maui, Molokai, Lanai, Kahoalawe, Kure Coast	Skirt Chaser	28' Premier Boat	VHF 16 or CB 40
Stephen B. Reddy (SWFSC)	774-1714	Lloyd Lowry		808-887-1532		808-887-1532 (cell first)				Wild Whale Black Whale	27' Whaler 21' Whaler	VHF 16
Ann Zaida	1039-1699	Ann Zaida	Tetra Tech 180 Howard St. Ste 250 San Francisco, CA 94105	510-380-0906	415-874-1221	808-244-6400	ann.zaida@tetra-tech.com					
Marsha Green	924-1484-02	Leslie Stager Jeff Panikahoff	Maui Islander Waihee Street Lahaina, HI 96761	808-667-0766	610-670-7396 (Marsha) 808-283-4405		marsha@hawaii.net		Maui and Lanai	Cetacean II HA694E	26' SeaRise	
Robin Sand	731-1509-04		Cascade Research 216 1/2 W. 4th Ave Olympia, WA 98501		425-879-0300		robin@cascresearch.org robin@tdl.ca		Big Island	Wild Whale Black Whale	27' Whaler 21' Whaler	VHF 16

#### Federal and State Regulatory and Enforcement Contacts

BWC Buahay	U.S. Coast Guard Station Maui	808-927-6010			cbuahay@415.uscg.mil	
Tamra Faria	NOAA Fisheries PIRO 1601 Kapalani Blvd. Honolulu, HI 96814	808-873-2935	808-721-5340	808-973-2941	Tamra.Faria@noaa.gov Chris.Yates@noaa.gov	Marine Mammal Stranding Hotline 888-256-6640
Chris Yates	NOAA Fisheries PIRO 1601 Kapalani Blvd. Honolulu, HI 96814	808-873-2935	808-721-5340	808-973-2941	Tamra.Faria@noaa.gov Chris.Yates@noaa.gov	Marine Mammal Stranding Hotline 888-256-6640
Dave Johnston	NOAA Fisheries PIRO 1601 Kapalani Blvd. Honolulu, HI 96814	808-873-2935	808-721-5340	808-973-2941	Tamra.Faria@noaa.gov Chris.Yates@noaa.gov	Marine Mammal Stranding Hotline 888-256-6640
Jeff Walters	HI-DNR Punchbowl St. Rm330 Honolulu, HI 96813	808-587-0106		808-587-0115	Jeffrey.Walters@hawaii.gov David.S.Nichols@hawaii.gov	
David Nichols	HI-DNR Punchbowl St. Rm330 Honolulu, HI 96813	808-587-0106		808-587-0115	Jeffrey.Walters@hawaii.gov David.S.Nichols@hawaii.gov	
David Matika	NOAA-NOS-HHWNMS 726 South Kihai Rd Kihai, HI 96733	808-879-2818		808-874-3815	David.Matika@hawaii.gov	
Naomi McIntosh	NOAA-NOS-HHWNMS 6703 Kalaniana'ole Hwy, Ste154, Honolulu, HI 96825	808-397-2651		808-397-2650	Naomi.McIntosh@noaa.gov	
Carmie Hubard Steve Leathery	NOAA-NOS-HHWNMS 6703 Kalaniana'ole Hwy, Ste154, Honolulu, HI 96825	808-397-2651		808-397-2650	Naomi.McIntosh@noaa.gov	

Updated as of Feb 22, 2005

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## **Attachment 8**

### **RESOLUTION REQUESTING THE PREPARATION OF A WHALE AVOIDANCE POLICY FOR THE HAWAII INTERISLAND HIGHSPEED SUPERFERRY**

**WHEREAS**, Hawaii Superferry is proposing to provide non-stop-roundtrip, ferry service daily between the islands of Hawaii, Kauai, Maui, and Oahu commencing in the year 2007; and

**WHEREAS**, Hawaii Superferry intends to provide an efficient, environmentally friendly, state-of-the-art, ferry service for passengers and vehicles between the islands at approximately half the price of flying; and

**WHEREAS**, it is expected that this system will expand Hawaii's transportation infrastructure and economy by further lowering the cost of travel and shipment of goods and agricultural products; and

**WHEREAS**, although this service promises many benefits to residents and visitors alike, it will also impact Hawaii's land and marine environment, existing State harbors and infrastructure, and the visitor and shipping industries; and

**WHEREAS**, the waters of the State of Hawaii are the largest known breeding ground for the North Pacific population of humpback whales and Hawaii is the only state in the United States where endangered humpback whales come to breed, calve and nurse their young; and

**WHEREAS**, approximately 5,000 to 7,000 humpback whales annually utilize the waters around Hawaii from September through June; and

**WHEREAS**, Congress established the Hawaiian Island Humpback Whale National Marine Sanctuary (Sanctuary) in 1992 to protect endangered humpback whales and their habitat in Hawaii; and

**WHEREAS**, the Sanctuary, which encompasses over 1,400 square nautical miles across all the main Hawaiian Islands, is one of the largest national marine sanctuaries in the country; and

**WHEREAS**, in 1997, the National Oceanic and Atmospheric Administration (NOAA) and the State of Hawaii entered into a compact agreement for the coordinated management (co-management) of the Sanctuary, through which the State of Hawaii is considered an equal partner in the oversight of sanctuary operations; and

**WHEREAS**, the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council (Council), which is made up of 31 volunteers representing a wide variety of geographical and public/private interests, has been formed to advise the Secretary of Commerce and Sanctuary management in implementing the sanctuary management plan; and

**WHEREAS**, the Sanctuary has provided more than \$ 200,000 in research funding for Hawaii-based humpback whale research projects, including investigations into the health status of humpback whales; and

**WHEREAS**, the Sanctuary has made significant strides in the areas of whale rescue and disentanglement as well as vessel collision and avoidance; and

**WHEREAS**, the potential for untoward interactions between humpback whales and vessels increases with travel speed and during situations when visibility conditions are poor; and

**WHEREAS**, the proposed superferry will be traveling over Sanctuary waters year-round at high speeds, possibly at night and during other conditions when surface visibility are poor; and

**WHEREAS**, the Council's Whale-Vessel Collision Avoidance Working Group has concerns that operating an interisland high-speed (over 25 knots) superferry in Hawaii waters could affect some of Hawaii's humpback whales;

**WHEREAS**, there is heightened public sensitivity and awareness toward ocean-based projects and activities that affect humpback whales and their habitat; and now, therefore

**BE IT RESOLVED** that the Sanctuary Advisory Council of the Hawaiian Islands Humpback Whale National Marine Sanctuary requests Hawaii Superferry to voluntarily prepare a whale avoidance policy on the operation of proposed high-speed superferry while traversing Hawaii waters; and

**BE IT FURTHER RESOLVED** that the whale avoidance policy include the potential impacts of the superferry on Hawaii's humpback whales; proposed preventive and mitigating measures; and proposed protocols to implement, monitor, and report whale-vessel interactions; and

**BE IT FURTHER RESOLVED** that a draft whale avoidance policy will be submitted to the Sanctuary Advisory Council no later than May 5, 2005 and a final whale avoidance policy be completed and shared with the general public 6 months prior to the initiation of superferry service in 2007; and

**BE IT FINALLY RESOLVED** that copies of this resolution be transmitted to the Secretary of Commerce; the NOAA Under Secretary for Oceans and Atmosphere; the Hawaii Congressional Delegation; appropriate State House and Senate transportation, environmental and ocean committees; Governor Linda Lingle; the Director of the State Department of Transportation; the Director of the State Department of Land and Natural Resources; the Director of the State Department of Health; the Director of the State Department of Planning, Economic Development and Tourism; the Chairperson of the Office of Hawaiian Affairs; the Director of the State Office of Planning; the Director of the Office of Environmental Quality Control; the Executive Director of the Marine Mammal Commission; the Director of the National Marine Fisheries Service; members of the Hawaii State legislature; all County Mayors and County Council Chairs; John Garibaldi, CEO, Hawaii Superferry; Tom Dick, Founder and Chairman, Hawaii Superferry; and Greg Metcalk, CEO, Austral USA.

## **Attachment 9**

DRAFT: FOR COUNCIL CONSIDERATION/RATIFICATION

The Honorable Carlos Gutierrez  
Secretary  
US Department of Commerce  
1401 Constitution Avenue, NW  
Washington, DC 20230

Dear Mr. Secretary:

The National Marine Sanctuary System represents a significant contribution to ocean governance in our country. We, the National Marine Sanctuaries Advisory Council Chairpersons, are pleased to welcome you to our team. In that role, we strongly encourage your support for the reauthorization of the National Marine Sanctuaries Act in a manner that maintains or enhances the mission of the National Marine Sanctuary Program and the resources it protects.

The Sanctuary Advisory Councils are comprised of 370 citizens who donate nearly 100,000 hours annually to the management of Sanctuary resources. Currently, 10 of the 13 Sanctuaries, and one Coral Reef Ecosystem Reserve, have Advisory Councils; the remaining councils are in development. We work with the National Marine Sanctuary Program to provide guidance and advice on the conservation and use of our marine environment. We come from different places and speak with different voices: commercial and recreational users, scientists and educators, indigenous peoples, conservationists and resource managers, elected officials and citizens-at-large. We are broadly experienced in the marine environment and treasure our maritime heritage.

The resources within the National Marine Sanctuary Program are public trust resources, stretching from New England to American Samoa, and from the Great Lakes to the Florida Keys. The National Marine Sanctuary Program is a world-class system of sanctuaries that protect the nation's natural and cultural marine resources and that cover more territory than all our national parks. They are managed together with indigenous peoples and local communities.

The Advisory Councils partner with the program on a wide range of topics: from difficult and controversial environmental protection issues to educating school children. We promote community involvement and stewardship. Each of us is proud of the accomplishments the program and our constituents have achieved over the last 30 years. We are excited about continuing these activities so that these valuable resources are protected for present and future generations.